

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANET HARVEY *and* JOSEPH HARVEY,

Plaintiffs,

– against –

PERMANENT MISSION OF THE REPUBLIC
OF SIERRA LEONE TO THE UNITED
NATIONS, EMPIRE GROUP NYC, LLC, DAVID
I MONTESI, JULES DAVIS, *and* FAIRFIELD
CONSTRUCTION ASSOCIATES, LLC,

Defendants.

ORDER

21 Civ. 4368 (ER)

RAMOS, D.J.:

At a conference on May 7, 2024, the Court granted counsel for the Mission leave to withdraw from this case and directed counsel to advise the Mission that it had thirty days to retain new attorneys. The Mission subsequently requested “a reasonable and appropriate time . . . to seek legal advice and representation.” Doc. 212 at 2. The Court directed the Mission to have new counsel enter an appearance by June 14 and ordered an individual representative of the Mission to appear at a telephonic conference on that date. Doc. 213. The Mission failed to appear at that conference, so the Court granted the Harveys leave to move for default against the Mission.

The Harveys moved for default on June 21. Doc. 214. On July 9, the Court scheduled an order to show cause hearing. Doc. 230. In a separate order, Doc. 231, the Court invited the U.S. Department of State to provide its views on the Harveys’ request that the Court order an inspection of the Mission’s renovation site, Doc. 204. On July 31, the U.S. Attorney’s Office for this District submitted a brief setting out the State

Department's views. Doc. 234. The government asserted that the Court should not issue any order authorizing the Harveys to inspect the Mission. *Id.*

The Court held an order to show cause hearing on August 7. The Mission once again failed to appear. Accordingly, the Mission is in default. The Court has referred the matter to Magistrate Judge Aaron for a damages inquest. For the reasons discussed at the order to show cause hearing, the Harveys' request to inspect the Mission's renovation site is denied.

At the hearing, the Court also directed the parties and the government to provide further briefing on: (1) the Court's ability to order the Mission to remove its equipment and scaffolding from the Harveys' property; (2) the Court's ability to order the Mission to abide by local building codes; and (3) the government's ability to revoke the Mission's diplomatic status and inviolability. The government's letter concerning those issues is due September 6. Any responses from the Harveys and the Mission's codefendants are due September 20.

The Harveys are directed to serve a copy of this order on the Mission. The Clerk of Court is respectfully directed to terminate the motions, Docs. 204, 214.

It is SO ORDERED.

Dated: August 7, 2024
New York, New York



EDGARDO RAMOS, U.S.D.J.